

THE UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA

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UNITED STATES OF AMERICA,

Plaintiff,

vs.

PASTOR FAUSTO PALAFOX,  
ALBERT LOPEZ,  
ALBERT BENJAMIN PEREZ,  
JAMES PATRICK GILLESPIE,  
ERNESTO MANUEL GONZALEZ,  
BRADLEY MICHAEL CAMPOS,  
CESAR VAQUERA MORALES, and  
DIEGO CHAVEZ GARCIA,

Defendants.

2:16-cr-00265-GMN-CWH-1-4, 6, & 14-16

DATE: January 30, 2020

Courtroom 7D

THE HONORABLE GLORIA M. NAVARRO, UNITED STATES DISTRICT JUDGE

DEPUTY CLERK: Aaron Blazeovich

COURT REPORTER: Heather Newman

COUNSEL FOR PLAINTIFF: Dan Schiess, John Han, and Tracey Batson with Special Agent Matthew Neal, Investigator Peter Grimm, and Detective David Arboreen, Special Agent Matthew Wear

COUNSEL FOR DEFENDANT: Amy Jacks, Daniel Hill, Andrea Luem, Jess Marchese, Christopher Oram, Shawn Perez, David Fischer, Michael Kennedy, Mark Fleming, Marcia Morrissey, Kathleen Bliss, Ivette Maningo with Tatum Wehr and Lucy Hallett

MINUTES OF PROCEEDINGS: Jury Trial (Day 67)

9:20 a.m. The Court convenes outside the presence of the jury. The Court and parties discuss the day's schedule and remaining witnesses.

9:28 a.m. The jury enters the courtroom. **ANGEL CARVAJAL**, called on behalf of Mr. Palafox, is sworn and testifies on direct examination by Mr. Hill. **EXHIBIT 5171 is marked but not admitted into evidence.** Mr. Schiess conducts cross examination on behalf of the Government. The witness is excused.

9:54 a.m. The jury is admonished and excused for a morning break.

9:55 a.m. The Court reconvenes outside the presence of the jury. Mr. Fleming indicates the Defendants have no further witnesses to call. The Court rules that no second-degree murder instruction will be given as to Counts 1 and 2.

10:00 a.m. The Court stands at recess for a morning break.

10:30 a.m. The Court reconvenes outside the presence of the jury. The Court canvasses the Defendants regarding their right to remain silent or testify. Mr. Lopez, Mr. Campos, Mr. Garcia, Mr. Gonzalez, Mr. Morales, Mr. Palafox, Mr. Perez, and Mr. Gillespie indicate they do not wish to testify in this case. Ms. Jacks makes arguments in favor of her Motion in Limine to Admit Statements of Party Opponent, (ECF No. 2071). Mr. Schiess responds. Ms. Jacks, Mr. Fleming, and Mr. Kennedy reply. Mr. Schiess further responds. The Court **GRANTS IN PART AND DENIES IN PART** the Motion, (ECF No. 2071). Mr. Schiess indicates that the Government will not call rebuttal witnesses. The Court questions whether or not closing arguments should commence Friday, January 31, 2020, or Monday, February 3, 2020. Mr. Han responds. Mr. Fleming responds. Mr. Kennedy indicates that he has blown-up versions of exhibits should the jurors need them. Mr. Schiess responds. The Court indicates the jurors can request physical copies should they require them. The Court and parties discuss jury instructions.

11:28 a.m. The jury enters the courtroom. The Court reads a statement made by Ms. Batson in an affidavit to the jury. Mr. Lopez, Mr. Campos, Mr. Garcia, Mr. Morales, Mr. Gonzalez, Mr. Palafox, Mr. Perez, and Mr. Gillespie rest their cases in chief. The Government does not call any rebuttal witnesses. The jury is instructed to report back on Monday, February 3, 2020, at 9:00 a.m.

11:32 a.m. The jury is admonished and excused for the day.

11:33 a.m. The Court reconvenes outside the presence of the jury. Mr. Gonzalez, Mr. Gillespie, Mr. Perez, Mr. Morales, Mr. Palafox, Mr. Lopez, Mr. Campos, and Mr. Garcia make Rule 29(a) motions. Mr. Han responds. The Court **DENIES** the 29(a) motions. Mr. Han responds orally to Mr. Morales's Request for Jury Instruction, (ECF No. 2079). Mr. Oram replies. The Court will not provide this jury instruction. Ms. Bliss indicates she will be filing a motion in limine. Mr. Han responds. Mr. Gonzalez, Mr. Gillespie, Mr. Perez, and Mr. Palafox waive their presence for the jury instruction hearing on Friday, January 31, 2020, at 1:30 p.m.

12:12 p.m. The Court adjourns.

Jury to report for closing arguments on Monday, February 3, 2020, at 9:00 a.m. in Courtroom 7D before Judge Gloria M. Navarro.

DEBRA K. KEMPI, CLERK  
U.S. DISTRICT COURT

BY:       /S/        
Aaron Blazeovich, Deputy Clerk